

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Michael Francis Anthony Wind,

Civ. No. 12-2781 (PJS/LIB)

Petitioner,

v.

REPORT AND RECOMMENDATION

Faribault State Prison,

Respondent.

This matter came before the undersigned United States Magistrate Judge upon the routine supervision of cases and upon an assignment made in accordance with 28 U.S.C. 636(b)(1)(A). Plaintiff filed the present habeas corpus petition on November 1, 2012. (See Docket No. 1). On November 7, 2012, the Court issued an Order requiring Plaintiff to file a written memorandum that showed why his current habeas corpus petition should not be summarily dismissed pursuant to 28 U.S.C. § 2244(d) and an affidavit that provided a complete chronology of the procedural history of his state court proceedings. (See Docket No. 3). The Court advised Plaintiff that if he did not file the documents ordered by the Court, it will be recommended that the action be summarily dismissed.

The deadline imposed by the Court has now passed, and Plaintiff has failed to comply with the Court's order. Plaintiff has not filed any response to the Court's order and has not provided any good cause for his a failure to comply.

Based upon the above, and upon all the files, records and proceedings herein,

IT IS HEREBY RECOMMENDED that:

1. That Plaintiffs' petition [Docket No. 1] be summarily dismissed.

Dated: December 10, 2012

s/Leo I. Brisbois
LEO I. BRISBOIS
United States Magistrate Judge

NOTICE

Pursuant to Local Rule 72.2(b), any party may object to this Report and Recommendation by filing with the Clerk of Court, and serving all parties **by December 24, 2012**, a writing that specifically identifies the portions of the Report to which objections are made and the bases for each objection. A party may respond to the objections within fourteen days of service thereof. Written submissions by any party shall comply with the applicable word limitations provided for in the Local Rules. Failure to comply with this procedure may operate as a forfeiture of the objecting party's right to seek review in the Court of Appeals. This Report and Recommendation does not constitute an order or judgment from the District Court, and it is therefore not directly appealable to the Court of Appeals.